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10/741,533	12/19/2003	Thomas M. Slaight	10559-916001	5142
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EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
09/03/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

# Office Action Summary

**Application No.**

10/741,533

**Applicant(s)**

SLAIGHT, THOMAS M.

**Examiner**

Joiya M. Cloud

**Art Unit**

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This is in response to the communication filed 06/12/2009, in which claims 1-39 are PENDING. Applicant's arguments are deemed moot in view of the following new grounds of rejection.

#### ***Reopening of Prosecution***

In view of the Advisory Action mailed on 06/12/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, applicant must file a reply under 37 CFR 1.113

#### ***Response to Arguments***

- A) Ichikawa fails to anticipate claim 1 at least because Ichikawa fails to describe "excluding the segment of data from transmission *from the host system* based on the comparison between the portion of the segment and the list."

As to the above argument A), Examiner respectfully disagrees. Examiner submits that it appears that applicant is arguing in the instant application the filtering occurs *at* the host system, and not some other time during the transmission session, however the phrase "from the host system" does not explicitly state that the discarding or filtering is required to be performed *at the host or by the host system*. The claim language does not require a location of where or when the excluding takes place, but merely that the segment of data is "from transmission from a host system." Ichikawa clearly teaches discarding a packet, that is from transmission from a host

system (packet terminal), at a filtering section, based on the comparison between the portion of the segment and the list (See Figure 2 and col. 9, lines 25-29).

B) Ichikawa fails to teach “generating the VLAN ID based on the network address.”

As to the above argument B), Examiner respectfully disagrees. Examiner submits that Ichikawa clearly discloses where the VLAN ID is generated by a pre-assignment and used interchangeably with the network address (See col. 20, lines 2-10 and lines 35-46).

C) Ichikawa fails to teach that “the segment is excluded from transmission from the host system if the portion *corresponds to the identifier*”.

As per argument C), See below new grounds of rejection.

D) Ichikawa fails to teach “intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection”

Examiner submits the below new grounds of rejection addressing intentionally corrupting. Furthermore, the claim language recites the phrase "so that" which is intended use. The language does not require the segment to be discarded from traffic received over a network connection. Language that suggests or makes optional but does not require the steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. A question is raised as to the limiting effect of the language in the claim since the claim language does not require steps to be performed but is merely a statement of intended use. Examiner suggests amending the claim language to clarify Applicant's claimed invention.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-9, 11-39 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ichikawa (US Patent No. 6,307, 837 B1).

As per claim 1, Ichikawa teaches generating a list of one or more identifiers for one or more broadcast domains (**col. 3, lines 37-46 and Table 1, Terminal Information Table**); accepting a segment of data from a host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 11-24**); comparing the portion of the segment with an identifier for a selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); and excluding the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 25-29**).

As per claim 2, Ichikawa teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets (**col. 7, lines 7-16 and Figure 4**).

As per claim 3, Ichikawa teaches wherein the segment of data comprises a frame including one of the data packets (**col. 8, lines 55-60**).

As per claim 4, Ichikawa teaches wherein the portion comprises a VLAN ID (**col. 7, lines 7-19**).

As per claim 5, Ichikawa teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol (**col. 1, lines 9-30 and col. 7, lines 7-19**).

As per claim 6, Ichikawa teaches further comprising generating the VLAN ID based on a network address (**col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 8, Ichikawa teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 9, Ichikawa teaches wherein the excluding comprises blocking the segment from being transmitted from the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 11, Ichikawa teaches wherein the identifier is inaccessible by the host system (**col. 8, lines 55-65**).

As per claim 12, Ichikawa teaches wherein the identifier is inaccessible by the host system after a boot phase (**col.1, lines 65-col. 7, lines 1-5**).

As per claim 13, Ichikawa teaches wherein the segment is accepted from the host system over a data bus (**Figure 1**).

As per claim 14, Ichikawa teaches accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**); and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 15, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system (**col. 3, lines 37-54**).

As per claim 16, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase (**col. 3, lines 37-54**).

As per claims 17-26, claims 17-26 are substantially the same as claims 1-4 and 7-12 respectively, but in apparatus form rather than method form. Therefore, the rejection for claims 1-4 and 7-12 applies equally as well to claims 17-26.

As per claim 27, Ichikawa discloses a host system (**Figure 1**); an interface to establish a network connection between a network and the host system (**Figure 1 and col. 7, lines 26-30**); and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); compare the portion of the segment with an identifier for a selected broadcast domain; and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 28, Ichikawa discloses a management system having a protocol stack configured to generate management packets (**col. 9, lines 46-50**).

As per claim 29-37, claims 29-37 are substantially the same as claims 2-4 and 7-12 respectively, but in system form rather than method form. Therefore, the rejection for claims 2-4 and 7-12 applies equally as well to claim 29-37.

As per claim 38, system comprising: a router (**Figure 1**); a host system (**Figure 1**); an interface to establish a network connection between the router and the host system (**Figure 1**); and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); compare the portion of the segment with an identifier for a selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 39, Ichikawa teaches wherein the portion comprises a VLAN ID (**col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67**).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa in view of Sager (US Patent No. 6,473,742 B1).



As per claim 7, Ichikawa discloses the invention substantially as claimed. However, Ichikawa does not disclose the method wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier.

Sager teaches wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier (**col. 5, lines 20-43**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Ichikawa's teachings to the teachings of Sager, for the purpose of authenticating allowed and disallowed services (i.e. it is well known in the art to have a white list and a black list or an allow list and a bar/deny list) (**col. 5, lines 20-25**).

***Claim Rejections - 35 USC § 103***

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa in view of Dapper et al. (**U.S. Patent No. 6,282,683 B1**).

As per claim 10, Ichikawa discloses the invention substantially as claimed. However, Ichikawa does not disclose wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection.

Dapper discloses wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection (**col. 117, lines 7-12**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Ichikawa's teachings to the teachings of

Dapper, for the purpose of determining acceptable transmission "to indicate the incorrect parity in [a] ...transmission path." (col. 114, lines 63-col. 115, lines 12).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC*

**August 25, 2009**

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

